

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JUNE 1, 2010

CALL TO ORDER/NOTING OF QUORUM

Chairman Snow called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Guthrie and Commissioner Sturtz. Superintendent Huskey and Executive Secretary Dunsmore were also in attendance.

Jim Purucker, Connie Vickery, John Barnett, C. Tooman, Mark Webb, and Jeff McKean were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the May 18, 2010 meeting. The motion was seconded by Commissioner Guthrie and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Vice Chairman Johnson moved to approve the parties' agreed dispositions that were submitted for the June 1, 2010 meeting. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR71-01784 ANTONIO GARCILAZO – Hearing Judge Dunsmore stated this permittee was cited for failing a compliance check, which is furnishing alcohol beverage to a minor and allowing a minor to loiter. The Prosecutor made an offer to the permittee to settle this matter; however, an agreement could not be reached, so a hearing was held. The Hearing Judge now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Vice Chairman Johnson moved to uphold the Findings of the Hearing Judge, which requires the permittee to pay a \$500.00 fine for the violations. Motion seconded by Commissioner Guthrie and it was unanimously approved.

RR20-19545 OAKLAND LANES, INC. – Hearing Judge Dunsmore noted this was a recommended approval for one year by the local board and a denial of renewal by the Commission. The permittee filed a timely notice of appeal and the matter was set for hearing. The Hearing Judge now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Vice Chairman Johnson moved to uphold the Hearing Judge's recommendation to overturn the denial and approve the renewal for a one year period. Motion seconded by Commissioner Guthrie and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for a new permit, which includes the tabled applications, or applications for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for catering. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits to be placed in escrow for not more than five years, which have been reviewed and recommended by a Commissioner as appropriate for escrow. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Four hundred two (402) renewals approved, forty-one (41) new and/or transfer permits approved, nineteen (19) permits approved for catering, five (5) permits approved for first year escrow, three (3) permits approved for second year escrow, two (2) permits approved for third year escrow and two (2) permit approved for fifth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Guthrie and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR14-26910 & 26911 CHAPMANS GLASS, INC. – Commissioner Guthrie noted this is a new type 112 application and a new type 210-1 application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR91-10315 SHARON L. FISHER, D/B/A MONON PIZZA PUB – Commissioner Guthrie noted this is a transfer of ownership application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated this applicant previously held this permit for a period of time, but transferred it to the current owners, who now are transferring it back to the

applicant. Testimony was given at the local board meeting regarding the way the business was operated while this applicant owned it, which was very negative. Remonstrators stated this establishment was a continual problem with fights, noise and criminal activity occurring often. The local board recommended denial citing applicant does not maintain a high and fine reputation, the community does not desire these services and there would be a negative impact on the other business in the community.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the transfer. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

INACTIVE FILES

INACTIVE FILES- Vice Chairman Johnson moved to make six (6) permits inactive and not subject to auction. Motion seconded by Commissioner Sturtz and it was unanimously approved.

OLD BUSINESS

ALCOHOLIC BEVERAGE STUDY GROUP – Executive Secretary Dunsmore stated in the past there was a study group, consisting of the Commission, preparers and attorneys, who discussed alcoholic beverage issues and matters relating to this Agency, with the goal of making processes more efficient. The Executive Secretary recommended the Commission reinstate this group.

Chairman Snow stated he, and the Commission, are very excited about starting this group again and is looking forward to the interesting discussions that will take place on how to make things more efficient.

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this _____ day of _____, 2010.

P. TOM SNOW, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER